

# EXHIBIT A



**NAILAH K. BYRD  
CUYAHOGA COUNTY CLERK OF COURTS  
1200 Ontario Street  
Cleveland, Ohio 44113**

**Court of Common Pleas**

**New Case Electronically Filed: COMPLAINT  
February 22, 2023 11:29**

By: CLAIRE I. WADE 0093174

Confirmation Nbr. 2782707

JACOB TERRY

CV 23 975554

vs.

TOWNSEND TREE SERVICE COMPANY, LLC

**Judge: SHIRLEY STRICKLAND SAFFOLD**

Pages Filed: 6

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

JACOB TERRY	)	CASE NO:
370 North Shady Lane Dr. Apt. 93	)	
East Liverpool, Ohio 43920	)	JUDGE
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>COMPLAINT FOR INJUNCTIVE</u></b>
	)	<b><u>RELIEF AND DAMAGES</u></b>
TOWNSEND TREE SERVICE COMPANY,	)	
LLC.	)	
7376 Engle Road	)	
Middleburg Heights, Ohio 44130	)	<u>(Jury Demand Endorsed Herein)</u>
	)	
Defendant.	)	

Plaintiff, Jacob Terry, by and through undersigned counsel, as his Complaint against Defendant, states and avers the following:

**INTRODUCTION**

1. Terry is a Columbiana County, Ohio resident.
2. Defendant Townsend Tree Service Company, LLC (“Townsend”) is Foreign Corporation that maintains a place of business located at 7376 Engle Road, Middleburg Heights, Ohio 44130.
3. Townsend is an “employer” within the meaning of Ohio Rev. Code § 4112.
4. The conduct and injuries giving rise to the claims below arose in Cuyahoga County, Ohio.
5. Personal jurisdiction is proper over the Defendant pursuant to Ohio Revised Code § 2307.382(A)(1).
6. Venue is proper pursuant to Civ.R. 3(B)(3).
7. This Court is a court of general jurisdiction over all subject matters of this Complaint and the claims presented herein.

8. Within 300 days of the conduct alleged below, Plaintiff filed two Charges of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), specifically, Charge Nos. 532-2023-00499 and 532-2023-02751, which were dual filed with the Ohio Civil Rights Commission (“OCRC”).
9. On February 13, 2023, Terry received two Right to Sue letters, dismissing Charge Nos. 532-2023-00499 and 532-2023-02751, in accordance with 42 U.S.C. 2000e-5(f)(1), attached as Exhibit A.
10. Terry has properly exhausted his administrative remedies.
11. Terry files this Complaint within 90 days of receiving his Right to Sue letters from the EEOC.

#### **FACTUAL ALLEGATIONS**

12. Terry incorporates by reference the allegations from the preceding paragraphs, as if fully restated herein.
13. Terry is black.
14. Terry was hired by Townsend as a tree trimmer on or about March 30, 2022.
15. At the time of Terry’s hire, the General Manager, Scott Montgomery, promised Terry a promotion to foreman once a position became available.
16. On or about May 18, 2022, the forestry foreman, Blane Hochstetler Sr. called him a “n\*gger.”
17. Terry immediately complained to Montgomery, and his supervisor, Rich Orr, about the use of racial slurs by Hochstetler Sr.
18. In response to Terry’s complaint, he was punished by being sent home with an unpaid day off.
19. Upon information and belief, Perry was not disciplined for calling Terry a “n\*gger.”
20. Both Hochstetler Sr. and his son, Blane Hochstetler Jr., continued to use the n-word in Terry’s presence at work.

21. After Terry opposed the hostile work environment based on race Townsend promoted other individuals, with less experience and tenure than Terry, to foreman positions.
22. Terry was denied a promotion because he complained about the hostile work environment based on his race.
23. Terry was laid off and/or terminated on or about December 21, 2022 due to a purported “lack of work.”
24. Upon information and belief, Townsend hired additional employees on or about December 22, 2022.
25. On or about February 20, 2023, Terry reached out to Townsend about returning to work.
26. Townsend informed Terry that he was probably not going to be called back to work because he had opposed the hostile work environment based on his race.

**COUNT I: HOSTILE WORK ENVIRONEMENT BASED ON RACE**

27. Terry incorporates by reference the allegations from the preceding paragraphs, as if fully restated herein.
28. Terry is black and, as such, a member of a statutorily protected group, pursuant to Ohio Rev. Code § 4112.
29. Ohio Rev. Code § 4112 provides that it is an unlawful discriminatory practice for an employer to discriminate against an employee on the basis of the employee’s race.
30. Terry was subjected to harassment in the form of unwelcome racial slurs and verbal conduct based on his race.
31. Perry’s harassment of Terry interfered with his work performance by creating an environment that was intimidating, hostile, or offensive.
32. Defendant knew of the harassing conduct but failed to take prompt corrective action.

33. As a direct result of Defendant's unlawful conduct, Terry suffered and continues to suffer pecuniary harm and emotional distress.

**COUNT II: RETALIATION**

34. Terry incorporates by reference the allegations from the preceding paragraphs, as if fully restated herein.

35. Defendant failed to promote Terry in retaliation for Terry's engagement in activity protected by Ohio Rev. Code § 4112.

36. Defendant "laid off" and/or terminated Terry in retaliation for Terry's engagement in activity protected by Ohio Rev. Code § 4112.

37. Defendant did not reinstate Terry in retaliation for Terry's engagement in activity protected by Ohio Rev. Code § 4112.

38. Defendant's failure to promote Terry was in contravention of Ohio Rev. Code § 4112.

39. Defendant's termination of Terry was in contravention of Ohio Rev. Code § 4112.

40. Defendant's failure to reinstate Terry was in contravention of Ohio Rev. Code § 4112.

41. As a direct result of Defendant's unlawful conduct, Terry suffered and continues to suffer pecuniary harm and emotional distress.

**PRAAYER FOR RELIEF**

Plaintiff, Jacob Terry, seeks judgment against the Defendant in an amount in excess of \$25,000 to fully, fairly, and justly compensate him for injury, damage, and loss, and respectfully prays that this Court enter judgment in his favor and award him past economic and non-economic compensatory damages, fringe benefits, consequential damages, incidental damages, punitive damages, liquidated damages, interest, all reasonable attorney's fees, costs and expenses, and any

additional legal or equitable relief available under law, including, but not limited to back pay, future losses, reinstatement, and promotion.

Respectfully Submitted,

/s/ Claire I. Wade  
Claire I. Wade (0093174)  
Sobel, Wade & Mapley, LLC  
55 Erieview Plaza, Suite 370  
Cleveland, Ohio 44114  
T: (216) 223-7213  
F: (216) 223-7213  
Wade@swmlawfirm.com

*Attorney for Plaintiff Jacob Terry*

**JURY DEMAND**

Plaintiff Jacob Terry demands a trial by jury by the maximum number of jurors permitted.

/s/ Claire I. Wade  
Claire I. Wade (0093174)

*Attorney for Plaintiff*

THE COURT OF COMMON PLEAS, CIVIL DIVISION  
CUYAHOGA COUNTY, OHIO

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

JACOB TERRY  
Plaintiff

CASE NO. CV23975554

JUDGE SHIRLEY STRICKLAND SAFFOL

v.

TOWNSEND TREE SERVICE COMPANY, LLC  
Defendant

**SUMMONS** SUMC CM

Notice ID: 49861644



From: JACOB TERRY P1  
370 NORTH SHADY LANE DR. APT. 93  
EAST LIVERPOOL OH 43920

Atty.: CLAIRE I WADE  
55 ERIEVIEW PLAZA  
SUITE 370  
CLEVELAND, OH 44114

To: TOWNSEND TREE SERVICE COMPANY, LLC D1  
7376 ENGLE ROAD  
MIDDLEBURG HEIGHTS OH 44130

**NOTICE TO THE DEFENDANT:**

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

If you wish to respond to the Complaint, you must deliver a written **Answer** to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) at the above address *within 28 days* after receiving this Summons (not counting the day you received it). A letter or a phone call will not protect you. Civil Rule 5 explains the ways that you may deliver the **Answer** (<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>)

You must also file a copy of your **Answer** with this Court within 3 days *after* you serve it on the Plaintiff. You can file your **Answer** with the Clerk of Courts by one of the following methods: 1) In-person or by mail at the above address or 2) electronically through the online e-Filing system. For more information on using the e-Filing system, visit <http://coc.cuyahogacounty.us/en-US/efiling.aspx>.

If you fail to serve *and* file your **Answer**, you will lose valuable rights. The Court will decide the case in favor of the Plaintiff and grant the relief requested in the **Complaint** by entering a default judgment against you.

You may wish to hire an attorney to represent you. Because this is a civil lawsuit, the Court cannot appoint an attorney for you. If you need help finding a lawyer, contact a local bar association and request assistance.



Nailah K. Byrd  
Clerk of Court of Common Pleas  
216-443-7950

*Debbie John*

Date Sent: 02/22/2023

By \_\_\_\_\_  
Deputy

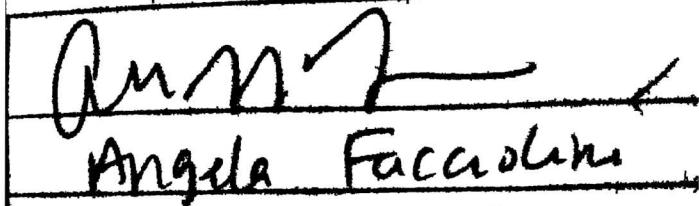


Date Produced: 02/27/2023

CERTIFIED MAIL SOLUTIONS INC.:

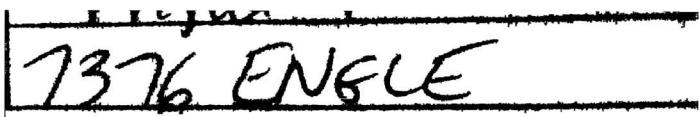
The following is the delivery information for Certified Mail™/RRE item number 9314 8001 1300 3547 9638 54. Our records indicate that this item was delivered on 02/24/2023 at 01:36 p.m. in CLEVELAND, OH 44130. The scanned image of the recipient information is provided below.

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Angela Facciolini

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## CASE INFORMATION

### CV-23-975554 JACOB TERRY vs. TOWNSEND TREE SERVICE COMPANY, LLC

#### Docket Information

Filing Date	Docket Party	Docket Type	Docket Description	View Image
03/01/2023	N/A	SR	USPS RECEIPT NO. 49861644 DELIVERED BY USPS 02/24/2023 TOWNSEND TREE SERVICE COMPANY, LLC PROCESSED BY COC 03/01/2023.	
02/23/2023	D1	SR	SUMS COMPLAINT(49861644) SENT BY CERTIFIED MAIL. TO: TOWNSEND TREE SERVICE COMPANY, LLC 7376 ENGLE ROAD MIDDLEBURG HEIGHTS, OH 44130	
02/22/2023	N/A	SR	SUMMONS E-FILE COPY COST	
02/22/2023	D1	CS	WRIT FEE	
02/22/2023	N/A	SF	JUDGE SHIRLEY STRICKLAND SAFFOLD ASSIGNED (RANDOM)	
02/22/2023	P1	SF	LEGAL RESEARCH	
02/22/2023	P1	SF	LEGAL NEWS	
02/22/2023	P1	SF	LEGAL AID	
02/22/2023	P1	SF	COURT SPECIAL PROJECTS FUND	
02/22/2023	P1	SF	COMPUTER FEE	
02/22/2023	P1	SF	CLERK'S FEE	
02/22/2023	P1	SF	DEPOSIT AMOUNT PAID CLAIRE I WADE	
02/22/2023	N/A	SF	CASE FILED: COMPLAINT	

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.

[Website Questions or Comments.](#)

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